



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/762,423

01/22/2004

Paul B. Moody

260-008

4901

44185

7590

01/06/2010

LOTUS AND RATIONAL SOFTWARE

David A. Dagg, Esq.

44 Chapin Road

Newton, MA 02459

EXAMINER

NICKERSON, JEFFREY L

ART UNIT

PAPER NUMBER

2442

NOTIFICATION DATE

DELIVERY MODE

01/06/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dave@davedagg.com

Office Action Summary

Application No.

10/762,423

Applicant(s)

MOODY ET AL.

Examiner

JEFFREY NICKERSON

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 30-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 30-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to Application No. 10/762,423 filed on 22 January 2004. The response presented on 01 October 2009, which amends claims 1-9, adds claims 30-39, and presents arguments, is hereby acknowledged. Claims 1-9 and 30-39 are currently pending and have been examined.

Claim Objections

2. Claims 4 and 33 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Regarding claims 4 and 33, these claims contain limitations found within that of their parent claims 1 and 30, respectively, and therefore do not further limit the subject matter of claims 3 and 32, respectively. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. For purposes of further examination this claim will be rejected under similar rationale to that of claims 1 and 30.

35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Response to Arguments

4. The response filed on 01 October 2009 providing change to the claims is noted and all outstanding rejections under 35 USC 112, second paragraph, are hereby withdrawn. However, new rejections may appear below.

Claim Rejections

5. Claims 1-9 and 30-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 30 and 39, these claims recite the limitation "wherein said document access activity" in the first stanza. There is insufficient antecedent basis for this limitation in the claim and correction is therefore required. For purposes of further examination this limitation will be treated as reading "wherein said document access information".

Regarding claims 2-9 and 31-38, these claims inherit the rejections of their parent claim(s).

35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Response to Arguments

7. Applicant's arguments, filed in the response dated 01 October 2009, with respect to the rejections under 35 USC 103(a) have been fully considered and are at least persuasive-in-part. Therefore, the outstanding rejections under 35 USC 103(a) are hereby withdrawn. However, new rejections may appear below.

Claim Rejections

8. Claims 1-2, 7-9, 30-31, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobde et al (US 2003/0217099 A1), and in further view of Briggs et al (US 7,080,139 B1) and Hartigan et al (US 6,832,176 B2).

Regarding claim 1, Bobde teaches a method of providing remote user activity information regarding activities of remote users to a local user (Bobde: abstract), comprising:

monitoring, by a remote awareness client application process executing on a remote computer system, activity information regarding a remote computer system user (Bobde: [0025]-[0026]);

communicating said activity information together with an identifier of said remote computer system user to an awareness server application process executing on a server system (Bobde: [0017], [0024]);

obtaining, by a local awareness client application process executing on a local computer system, from said awareness server application process, an online status of said remote computer system user (Bobde: [0027]);

displaying, by said local awareness client application process, within a user interface displayed on said local computer system, an awareness display object associated with said remote computer system user, wherein said awareness display object displays said identifier of said remote computer system user, wherein said awareness display object further includes a visual indication of said online status of said remote computer system user (Bobde: [0004] for typical buddy list displaying);

registering, with said awareness server application process by said local awareness client application process, responsive to said local awareness client application process displaying said awareness display object associated with said remote computer system user, for said local awareness client application process to receive information associated with said remote computer system user (Bobde: [0026] for subscriptions; [0045] for registering in response to predetermined condition);

broadcasting by said awareness server application process to said local awareness client application process, responsive to said local awareness client application having registered to receive information associated with said remote computer system user, said activity information (Bobde: [0027] provides notify messages are used to push presence).

Bobde does not teach wherein the activity information is document access information;

wherein the monitoring of the activity information is monitoring a plurality of open display windows, including recording document access information, wherein said document access information includes names of a plurality of application programs associated with said open display windows;

displaying, by said local awareness client application process, a special icon in said user interface displayed on said local computer system;

detecting a selection of said special icon by said local computer system user; or

displaying, by said awareness client application process, in response to said detecting said selection of said special icon by said local computer system user, said document access information in said user interface displayed on said local computer system.

Briggs, in a similar field of endeavor, teaches wherein activity information is document access information (Briggs: col 8, line 51 – col 9, line 57 provide for accessing browsing information of buddies);

wherein the monitoring of activity information is monitoring a plurality of open display windows (Briggs: col 18, lines 38-57);

displaying, by said local awareness client application process, a special icon in said user interface displayed on said local computer system (Briggs: col 9, lines 28-41);

detecting a selection of said special icon by said local computer system user (Briggs: col 9, lines 28-41); and

displaying, by said awareness client application process, in response to said detecting said selection of said special icon by said local computer system user, said document access information in said user interface displayed on said local computer system (Briggs: col 9, lines 28-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Briggs for monitoring buddies' document access information. The teachings of Briggs, when implemented in the Bobde system, will allow one of ordinary skill in the art to incorporate document activity information in a subscribe/publish presence document IM scheme. One of ordinary skill in the art would be motivated to utilize the teachings of Briggs in the Bobde system in order to allow users to share their usage experiences.

The Bobde/Briggs system does not teach wherein said document access information includes names of a plurality of application programs associated with said open display windows.

Hartigan, in a similar field of endeavor, teaches wherein said document access information includes names of a plurality of application programs associated with said

open display windows (Hartigan: Figure 1; col 5, line 34 - col 6, line 12 provide for tracking multiple open applications and associated document access information; col 6, lines 31-56 for window tracking, etc; Figure 9a, bottom timecard info for doc name maintenance; See also col 3, lines 29-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hartigan for identifying applications. The teachings of Hartigan, when implemented in the Bobde/Briggs system, will allow one of ordinary skill in the art to monitor buddies activities, including application and document activities. One of ordinary skill in the art would be motivated to utilize the teachings of Hartigan in the Bobde/Briggs system in order to expand the amount of information shared with buddies about current activities.

Regarding claim 2, the Bobde/Briggs/Hartigan system teaches wherein said document access information regarding said remote computer system user further comprises times at which each of said plurality of documents was accessed by said remote computer system user (Hartigan: abstract).

Regarding claim 7, the Bobde/Briggs/Hartigan system teaches further comprising presenting an interface to said local computer system user, wherein said interface enables said local computer system user to indicate whether any document access information regarding said local computer user is to be shared with other users (Briggs: col 13, line 44 - col 14, line 27 for ACL management UI).

Regarding claim 8, the Bobde/Briggs/Hartigan system teaches further comprising presenting an interface to said local computer system user, wherein said interface enables said local computer system user to specify document access information regarding said local computer system user that is to be shared with other users (Bobde: [0027] provide for ACLs limiting activity information sharing; See Briggs for document accessing).

Regarding claim 9, the Bobde/Briggs/Hartigan system teaches further comprising presenting an interface to said local computer system user, wherein said interface enables said local computer system user to specify one or more other users with which document access information regarding said local computer system user is to be shared (Bobde: [0027] provides ACL defines permissions on per user basis).

Regarding claims 30-31 and 36-39, these system and computer program product claims contain limitations corresponding and/or found within that of claims 1-2 and 7-9, and the same rationale of rejection is used, where applicable.

9. Claims 3-5 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobde et al (US 2003/0217099 A1), in view of Briggs et al (US 7,080,139 B1) and Hartigan et al (US 6,832,176 B2), and in further view of Begole et al (US 2004/0039630 A1).

Regarding claim 3, the Bobde/Briggs/Hartigan system does not teach wherein document access information further comprises numbers of keystrokes and mouse clicks used by said remote computer system user to access each of said plurality of documents.

Begole, in a similar field of endeavor, teaches wherein said document access information further comprises numbers of keystrokes and mouse clicks (Begole: [0060]-[0062] specifies that the rhythm service logs keystrokes and mouse clicks for particular applications).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Begole for monitoring and logging the keystrokes and mouse activity. The teachings of Begole, when implemented in the Bobde/Briggs/Hartigan system, will allow one of ordinary skill in the art to track, via an in depth logging, awareness information about buddies and their usage trends. One of ordinary skill in the art would be motivated to utilize the teachings of Begole in the Bobde/Briggs/Hartigan system in order to create awareness about shared documents or user activities regarding documents and applications.

Regarding claim 4, this claim contains limitations found within that of claim 1, and the same rationale of rejection is used, where applicable.

Regarding claim 5, the Bobde/Briggs/Hartigan/Begole system teaches wherein said document access activity information further comprises actions performed during document accesses by said remote computer system user (Briggs: col 5, lines 1-15).

Regarding claims 32-34, these system claims contain limitations corresponding and/or found within that of claims 3-5, and the same rationale of rejection is used, where applicable.

10. Claims 6 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobde et al (US 2003/0217099 A1); in view of Briggs et al (US 7,080,139 B1), Hartigan et al (US 6,832,176 B2), and Begole et al (US 2004/0039630 A1); and in further view of Cohen et al (US 6,507,845 B1).

Regarding claim 6, the Bobde/Briggs/Hartigan/Begole system does not teach wherein said presenting said document access activity information comprises presenting said document activity information in at least one pop-up display window

Cohen, in a similar field of endeavor, teaches wherein said presenting said document access activity information comprises presenting said document activity information in at least one pop-up display window (Cohen: Figure 16, item 232 depicts a pop-up window occurring over the UI; See also col 8, lines 17-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Cohen for utilizing pop-ups for detailing

user information. The teachings of Cohen, when implemented in the Bobde/Briggs/Hartigan/Begole system, will allow one of ordinary skill in the art to access document activity information by hovering a mouse cursor and enabling a pop-up over a buddy icon. One of ordinary skill in the art would be motivated to utilize the teachings of Cohen in the Bobde/Briggs/Hartigan/Begole system in order to enable practicing the invention.

Regarding claims 35, this system claims contains limitations corresponding and/or found within that of claim 6, and the same rationale of rejection is used, where applicable.

Citation of Pertinent Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Allard et al (US 6,018,619) discloses remote user activity tracking.
 - b. Beckett II et al (US 5,790,798) discloses remote user activity logging.
 - c. Stochosky (US 2005/0004995 A1; US 2005/0004985 A1) discloses an instant messaging based buddy activity tracking system.
 - d. Tang et al (US 6,791,583 B2; US 6,349,327 B1; US 5,960,173) discloses a collaboration system that allows users to identify other users working on similar tasks and awareness/presence information about the other users.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 9:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./

Examiner, Art Unit 2442

/Asad M Nawaz/

Primary Examiner, Art Unit 2455